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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/054,661	09/05/2000	Peter Savenok	00172	4917

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EXAMINER

POE, MICHAEL I

ART UNIT

PAPER NUMBER

1732

DATE MAILED: 03/23/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/054,661

Applicant(s)

SAVENOK, PETER

Examiner

Michael I Poe

Art Unit

1732

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 05 September 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 16-31 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 18-31 is/are rejected.
- 7) ☒ Claim(s) 16 and 17 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 September 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 20000905.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Amendments*

1. Applicant's amendment filed on September 5, 2000 has been entered. Based upon the entry of this amendment, no existing claims have been amended, existing claims 1-15 have been canceled, and new claims 21-31 have been added. Claims 16-31 are currently pending.

### *Priority*

2. If applicant desires priority under 35 U.S.C. 120 based upon a previously filed application, specific reference to the earlier filed application must be made in the instant application. For benefit claims under 35 U.S.C. 120, 121 or 365(c), the reference must include the relationship (i.e., continuation, divisional, or continuation-in-part) of the applications. This should appear as the first sentence of the specification following the title, preferably as a separate paragraph unless it appears in an application data sheet. The status of nonprovisional parent application(s) (whether patented or abandoned) should also be included. If a parent application has become a patent, the expression "now Patent No. \_\_\_\_" should follow the filing date of the parent application. If a parent application has become abandoned, the expression "now abandoned" should follow the filing date of the parent application.

Although the applicant does provide specific reference to the earlier filed applications in the instant application, the applicant does not provide the current status of nonprovisional parent application(s) as required. The applicant should amend the reference in the specification to provide the current status of all nonprovisional parent application(s) in response to this Office action.

### *Specification*

3. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form

Art Unit: 1732

and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

In the instant case, the abstract of the disclosure includes both form and legal phraseology used in patent claims (i.e., "comprising" and "said") and phrases which can be implied (i.e., "What is disclosed is").

#### ***Claim Objections***

4. Claims 16, 17 and 19 are objected to because of the following informalities: (1) "of" should be inserted after "form" in claim 16 on page 21, line 19; (2) "a" should be "an" before "inner" in claim 16 on page 21, line 20; (3) "," should be deleted after "rotating" in claim 16 on page 22, line 19; (4) "a" should be deleted after "from" in claim 17 on page 23, line 9; (5) "a" should be deleted after "of" in claim 19 on page 24, line 5; and (6) "a" should be "an" before "inner" in claim 19 on page 24, line 7. Appropriate correction is required.

#### ***Claim Rejections - 35 USC § 112***

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 18-31 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 18 recites the limitation "said insert member" on page 23, line 19. There is insufficient antecedent basis for this limitation in the claim. It appears that "member" was intended to be "members".

Claims 18, 21 and 27 are rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential steps, such omission amounting to a gap between the steps. See MPEP § 2172.01. The omitted steps are: the step(s) of embedding the hollow insert members or pipes in the slurry material or casting material to form a balustrade product having with the insert members or pipes integral with the balustrade product. Specifically, without the omitted embedding step(s), it would be confusing to one reading the claims what relationship exists between the step of positioning the insert members or pipes, the step of pouring the slurry material or casting material into the mold, and the step of rotating the mold to distribute the slurry material or casting material. For the purpose of this Office action, the examiner has assumed that the claims include a step of embedding the hollow insert members or pipes in the slurry material or casting material to form a balustrade product having the insert members or pipes integral with the balustrade product as disclosed in the Applicant's original disclosure and as claimed in claim 16.

***Allowable Subject Matter***

7. Claims 16 and 17 would be allowable, over the prior art of record, if rewritten or amended to overcome the objections due to minor informalities set forth in this Office action.
8. Claims 18 and 20-31 would be allowable, over the prior art of record, if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action.
9. Claim 19 would be allowable in current dependent form, over the prior art of record, if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, and the objections due to minor informalities set forth in this Office action.
10. The following is a statement of reasons for the indication of allowable subject matter:
  - (1) The prior art of record does not teach or suggest a claimed methods for producing a balustrade product, as a whole, including embedding a plurality of hollow insert members or pipes in a slurry material or casting material during a centrifugal molding process for molding a balustrade product wherein the hollow insert members or pipes become integral with the balustrade product.

Art Unit: 1732

**Conclusion**

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. U.S. Patent No. 855,557 (Aylsworth), U.S. Patent No. 1,794,503 (Underwood), U.S. Patent No. 3,965,234 (Lane, Jr.), U.S. Patent No. 3,793,411 (Stonitsch et al.), U.S. Patent No. 4,119,695 (Asserback), U.S. Patent No. 4,159,605 (Ilukowicz), U.S. Patent No. 4,247,516 (Morgan), U.S. Patent No. 4,741,875 (Carraro), U.S. Patent No. 5,211,900 (Ziegler), U.S. Patent No. 5,219,505 (Kaiser), U.S. Patent No. 5,626,331 (Erwin), U.S. Patent No. 6,060,006 (Savenok), U.S. Patent Publication No. 2003/0201575 A1 (Khan), and Japanese Patent Publication No. 09-267322 A (Tadashi et al.) have been cited of interest to show the state of the art at the time the invention was made.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael I Poe whose telephone number is (571) 272-1207. The examiner can normally be reached on Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Colaianni can be reached on (571) 272-1196. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Michael Poe/mip



MICHAEL COLAIANNI  
PRIMARY EXAMINER